

## **SUMMARY OF REGULATIONS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS**

### Introduction

Wastes from confined livestock can be a source of pollutants when they are discharged to state waters. Pollutants most often reach state water as a result of precipitation (rainfall or snow melt). Pollution of surface and ground water is prohibited, and permits are required for discharges containing pollutants. This chapter describes the permitting requirements that apply to livestock production facilities and outlines the process for determining which operations require permits.

### The Montana Water Quality Act

Discharges of wastes, including animal wastes to state waters are governed by The Montana Water Quality Act (75-5-101 et seq. MCA). Section 605 of the Act states that it is unlawful to cause pollution of any state waters or to place wastes in a location where they will cause pollution (75-5-605 (1)(a) MCA). It is also unlawful to discharge sewage, industrial waste, or other wastes into any state waters without a current permit from the Department of Environmental Quality (DEQ) (75-5-605 (2)(c) MCA).

“State waters” means a body of water, irrigation system, or drainage system, either surface or underground. The term does not apply to a) ponds or lagoons used solely for treating, transporting, or impounding pollutants; or b) irrigation waters or land application disposal waters when the waters are used up within the irrigation or land application disposal system and the waters are not returned to state waters. (See 75-5-103(29), MCA.)

### The Permit Program

The DEQ Water Protection Bureau administers the Montana Pollutant Discharge Elimination System (MPDES) permit program. The MPDES program regulates the discharge of pollutants from point sources to state waters. Concentrated Animal Feeding Operations (CAFOs) are defined as a point source in the MPDES Administrative Rules [ARM 17.30.1304 (41)]. To be considered a CAFO, a facility must first be defined as an Animal Feeding Operation (AFO).

AFO's are agricultural operations where animals are kept and raised in confined situations. AFOs generally congregate animals, feed, manure, production operations and dead animals on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures. Animal waste and wastewater can enter water bodies from spills or breaks of waste storage structures (due to accidents or excessive rain), and non-agricultural application of manure to crop land. AFOs that meet the regulatory definition of a CAFO have the potential of being regulated under the MPDES permitting program.

An animal feeding operation (AFO) is a lot or facility where the following conditions are met:

- Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and

- Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

A CAFO can be defined as large, medium or small. A **large CAFO** confines at least the number of animals described in the table below. A medium CAFO is an AFO with the type and number of animals that fall within any of the ranges listed in below and that has been defined or designated as a CAFO. An AFO is defined as a medium CAFO if, the type and number of animals that it stables or confines falls within any of the following ranges and (b) either of the following conditions is met:

- (i) pollutants are discharged into waters of the state through a manmade ditch, flushing system, or other similar manmade device; or
- (ii) pollutants are discharged directly into waters of the state that originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

If an operation is found to be a significant contributor of pollutants, the permitting authority may designate the facility as a CAFO.

Animal Sector	Size Thresholds (number of animals)		
	Large CAFOs	Medium CAFOs <sub>1</sub>	Small CAFOs <sub>2</sub>
cattle or cow/calf pairs	1,000 or more	300 - 999	less than 300
mature dairy cattle	700 or more	200 - 699	less than 200
veal calves	1,000 or more	300 - 999	less than 300
swine (weighing over 55 pounds)	2,500 or more	750 - 2,499	less than 750
swine (weighing less than 55 pounds)	10,000 or more	3,000 - 9,999	less than 3,000
horses	500 or more	150 - 499	less than 150
sheep or lambs	10,000 or more	3,000 - 9,999	less than 3,000
turkeys	55,000 or more	16,500 - 54,999	less than 16,500
laying hens or broilers (liquid manure handling systems)	30,000 or more	9,000 - 29,999	less than 9,000
chickens other than laying hens (other than a liquid manure handling systems)	125,000 or more	37,500 - 124,999	less than 37,500
laying hens (other than a liquid manure handling systems)	82,000 or more	25,000 - 81,999	less than 25,000
ducks (other than a liquid manure handling systems)	30,000 or more	10,000 - 29,999	less than 10,000
ducks (liquid manure handling systems)	5,000 or more	1,500 - 4,999	less than 1,500

A CAFO operator applies for the permit by completing the CAFO Short Form B, paying a \$1,200 for the first year of permit coverage. This fee included the \$600.00 application fee, and \$600.00 first year annual fee.

### Discharge Limits and Performance Standards of the Permit

The general permit places limits on discharges to both surface and ground water. A discharge is allowable only when precipitation causes an overflow from a facility **designed, constructed, and operated to contain all process generated wastewaters plus the runoff from a 25-year, 24-hour rainfall**. A 25-year, 24-hour storm refers to the number of inches of rainfall in a 24-hour period that is expected to occur once in 25 years.

Rainfall from the 25-year, 24-hour storm has been mapped within Montana; the amount ranges between 1.8 and 4.4 inches. A permitted CAFO that discharges when rainfall less than the 25-year, 24-hour storm is required to report the discharge to the Water Protection Bureau. Remember, **without a permit, any discharges of waste or runoff water from a CAFO to state waters is a violation of the Montana Water Quality Act.**

A discharge of pollutants to state **ground waters** may only occur under certain, site-specific circumstances as determined in a facility's permit or permit authorization. Discharges of pollutants from an AFOs most often results from leaking storage ponds and surface accumulations of solid manure, and confined animals on coarse-textured soil leaching to shallow ground water.

The CAFO permit contains performance standards specifying the land application rates of solid manure, liquid manure or other solid or liquid wastes are not exceed annual crop requirements for nutrients. All facilities used for the collection, storage or treatment of manure, bedding materials, feeds and other substances having a waste contributing potential must be managed to prevent any pollutant from entering state waters.

If you have questions regarding your livestock operation or would like further information on the CAFO permitting process contact the DEQ Water Protection Bureau at (406) 444-3080.